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BROOKDALE SENIOR LIVING, INC.
and BROOKDALE SENIOR LIVING
COMMUNITIES, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

STACIA STINER, et al.,
Plaintiffs,
v.
BROOKDALE SENIOR LIVING, INC.;
BROOKDALE SENIOR LIVING
COMMUNITIES, INC.; and DOES 1 through
100,
Defendants.

Case No. 4:17-cv-03962-HSG

**STIPULATION ON SCHEDULE
RE MOTION FOR CLASS
CERTIFICATION; AND
ORDER**

1 WHEREAS, Plaintiffs' motion for class certification is presently due to be filed on
2 November 20, 2020;

3 WHEREAS, on July 30, 2020, Magistrate Judge Laurel Beeler held a remote video
4 discovery hearing with the parties to discuss the issues set forth in the Joint Status Report
5 for Discovery Case Management Conference that the parties filed on July 28, 2020 (ECF
6 No. 194), including the schedule for Plaintiffs' motion for class certification;

7 WHEREAS, on July 30, 2020, Magistrate Judge Beeler issued a Discovery Order
8 following the hearing held on that same date documenting the parties' agreement to confer
9 on the schedule for Plaintiffs' motion for class certification and to agree to a reasonable
10 schedule that includes an appropriate timeframe for Defendants to address Plaintiffs'
11 expert submissions;

12 WHEREAS, Magistrate Judge Beeler's Discovery Order dated July 30, 2020, also
13 provided that Magistrate Judge Beeler would notify District Judge Haywood S. Gilliam,
14 Jr., that the existing schedule is not realistic in light of the COVID-19 pandemic and that
15 the parties would be submitting a revised case schedule;

16 WHEREAS, discovery regarding class certification and the merits is ongoing,
17 including ongoing rolling document productions by both sides, but a substantial amount of
18 discovery remains to be completed despite the diligent and good faith efforts by both sides,
19 including due to the ongoing disruption to the discovery process that has been caused by
20 the COVID-19 pandemic;

21 WHEREAS, among the discovery that remains to be completed is the production of
22 search-term-based electronically-stored information ("ESI"), and while the parties have
23 each developed and exchanged their lists of proposed search terms and custodians for this
24 purpose, they will need to meet and confer to try to agree on the scope of the ESI search
25 and may need to obtain direction from Magistrate Judge Beeler if no agreement can be
26 reached;

27 WHEREAS, the production and review of relevant documents, including ESI, will
28 need to be substantially completed before fact-witness depositions can be scheduled and

1 completed;

2 WHEREAS, Plaintiffs' experts have conducted site inspections of 52 of the
3 approximately 80 facilities at issue in this matter, including 47 of the approximately 60
4 facilities currently operated by Defendants in California, and the parties disagree as to
5 whether additional inspections are appropriate or proportional to the needs of the case such
6 that they may need to confer further or seek the Court's intervention; and

7 WHEREAS, for the foregoing reasons, the parties believe that there is good cause
8 to modify the schedule regarding Plaintiffs' motion for class certification as set forth
9 herein.

10 THEREFORE, IT IS HEREBY STIPULATED, that:

11 1. Plaintiffs shall file their motion for class certification by May 20, 2021.

12 2. Defendants shall file their response in opposition to Plaintiffs' motion for
13 class certification by October 22, 2021.

14 3. Plaintiffs' reply in support of their motion for class certification shall be filed
15 by January 21, 2022.

16 4. To the extent that Plaintiffs submit expert witness opinion testimony in
17 support of their motion for class certification or Defendants submit expert witness opinion
18 testimony in support of their response in opposition to Plaintiffs' motion for class
19 certification, in the form of expert declarations or otherwise, they must provide, to the
20 extent not already included with their submissions, the following information within seven
21 (7) days following their respective filing:

22 a. the facts or data considered by the witness in forming their opinions;

23 b. any exhibits used to summarize or support the witness's opinions;

24 c. the witness's qualifications, including a list of all publications
25 authored by the witness in the previous 10 years;

26 d. a list of all other cases in which, during the previous 4 years, the
27 witness testified as an expert at trial or by deposition; and

28 e. a statement of the compensation paid for the witness's study and

1 testimony in the case regarding class certification.

2 5. Unless otherwise agreed, Plaintiffs shall produce their expert witnesses for
3 deposition no later than 75 days after filing their motion for class certification, and
4 Defendants shall produce their expert witnesses for deposition no later than 45 days after
5 filing their response in opposition to class certification.

6 IT IS SO STIPULATED.

7 DATED: October 19, 2020

SCHNEIDER WALLACE
COTTRELL KONECKY LLP

9 By: /s/ Guy B. Wallace

10 Guy B. Wallace
11 Attorneys for Plaintiffs and the
Proposed Classes

12 DATED: October 19, 2020

SEYFARTH SHAW LLP

14 By: /s/ Gerald L. Maatman, Jr.

15 Gerald L. Maatman, Jr.
Attorneys for Defendants

16 I hereby attest that all signatories indicated by a conformed signature (/s/) have concurred
17 in the filing of this document.


18 /s/ Gerald L. Maatman, Jr.

Gerald L. Maatman, Jr.

ORDER

Pursuant to Stipulation, and for good cause shown, the parties' Stipulation is
GRANTED.

Dated: 10/28/2020


HON. HAYWOOD S. GILLIAM, JR.
United States District Judge